



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2018
CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P(MD).No.4459 of 2017

and

Crl.M.P(MD).Nos.3194 & 3195 of 2017

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1.Shobana
2.Pushpam
3.Vijayalakshmi
4.Rengaraj

... Petitioners

-Vs-

Ranjitha

... Respondent

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings in D.V.O.P.No.3 of 2017 on the file of the Judicial Magistrate No.1, Usilampatti and quash the same as illegal.

For Petitioner : Mr.V.Om Prakash

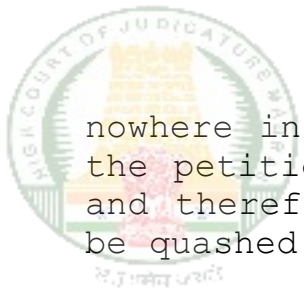
For Respondent : Mr.A.R.Kannappan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in D.V.O.P.No.3 of 2017 on the file of the Judicial Magistrate No.1, Usilampatti.

2.The learned counsel for the petitioners has submitted that the respondent herein has filed a petition under Section 12 of Domestic Violence Act, seeking certain reliefs, in which, the respondent herein has added her husband as the first respondent and her husband's brother as the third respondent and others are relatives.

3.He further submitted that the first petitioner herein, is the wife of one Paulpandi, who is the brother of respondent's husband. The petitioners 2 to 4 are residing in the neighboring house. He further submitted that for attracting the provisions of the Domestic Violence Act, the respondent herein, should have lived in a shared household, whereas, in this case, the respondent herein, in the affidavit filed before the Trial Court, has categorically admitted that the respondents 6 to 8 (Petitioners 2 to 4 herein) are the relatives of her husband and they are residing in the neighboring house. Further he has submitted that



nowhere in the affidavit, she has stated that she was living with the petitioners herein at any point of time in a shared household and therefore, the proceedings against the petitioners herein may be quashed.

4. The learned counsel for the respondent has submitted that only at the instigation of the petitioners herein, the respondent's husband has caused cruelty and also demanded dowry and hence, they have been added as respondents in the petition filed under Section 12 of the Domestic Violence Act.

5. At this juncture it would be relevant to refer to Section 2 (a) and 2(f) of the Domestic Violence Act (herein after referred as 'Act') which read thus:-

"Section 2(a)-"aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

"Section 2(f)-domestic relationship means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;"

6. In this case, admittedly, the petitioners 2 to 4 are not at all joint family members of the respondent. Further, in the affidavit filed by the respondent herein before the Trial Court, she has categorically admitted that the petitioners 2 to 4 herein are residing in the neighbouring house. Further, in the said affidavit, she has not stated that the petitioner No.1 herein also lived with her in a shared household at any point of time. Therefore, the provisions of the Domestic Violence Act will not attract against the petitioners herein. Consequently, the proceedings against them in D.V.O.P.No.3 of 2017 on the file of the Judicial Magistrate No.1, Usilampatti have to be quashed.

7. In the result, this petition is allowed and the proceedings in D.V.O.P.No.3 of 2017 on the file of the Judicial Magistrate No.1, Usilampatti is quashed in so far as the petitioners herein are concerned. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)



To

The Judicial Magistrate No.1,
Usilampatti.

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+1cc to Mr.V.Om Prakash, Advocate Sr.No.55417

RMK

VB/SV/MMS/SAR1/12.04.2018/3P/3C

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